

INFO LOG-00 MFA-00 NP-00 AF-00 AIT-03 AOP-00 AEX-00
AS-00 A-00 ACQ-00 CIAE-00 COME-00 CCOE-00 WHA-00
PERC-00 EAP-00 EB-00 EUR-00 FBIE-00 CSEP-00 VC-00
FSI-00 OBO-00 TEDE-00 INR-00 INSE-00 IO-00 L-00
CAC-00 VCE-00 MED-07 MMP-00 MOFM-00 M-00 AC-00
NEA-00 DCP-01 NSAE-00 OIG-00 OPR-00 PM-00 ACE-00
P-00 SCT-00 FMPC-00 IRM-00 SSO-00 SS-00 SA-00
ASDS-00 R-00 PMB-00 DSCC-00 PRM-00 ALM-00 SAS-00

R 191916Z MAR 04
FM SECSTATE WASHDC
TO ALL DIPLOMATIC AND CONSULAR POSTS

S E C R E T STATE 061816

NOFORN

E.O. 12958: DECL: 1.6X1
TAGS: [ASEC](#)

SUBJECT: EXCEPTION TO VANCE MEMORANDUM - APPROVAL FOR U.S.
DIPLOMATIC INSTALLATIONS TO INSTALL MONITORING EQUIPMENT
IN "WALK-IN" ROOMS.

REF: APPROVED DEPUTY SECRETARY ACTION MEMO DATED
2/13/04.

CLASSIFIED BY: ASSISTANT SECRETARY FRANCIS X. TAYLOR, DS
REASONS: 1.4 (C) AND (D)

¶1. (S) IN VIEW OF CHANGING WORLD CONDITIONS AND THE GLOBAL
WAR ON TERRORISM, THE DEPUTY SECRETARY HAS APPROVED A
MODIFICATION TO THE 1977 VANCE MEMORANDUM.
WHICH STATES, IN PART, THAT NO OFFICER OR EMPLOYEE OF THE
STATE DEPARTMENT OR FOREIGN SERVICE SHALL DIRECT, ARRANGE FOR,
PERMIT, OR UNDERTAKE THE MONITORING OR MECHANICAL OR
ELECTRONIC RECORDING OF ANY CONVERSATION, INCLUDING ANY
TELEPHONE CONVERSATION, WITHOUT THE EXPRESS CONSENT OF
ALL PERSONS INVOLVED IN THE CONVERSATION.
ANY DEVIATION FROM THIS RULE MUST BE APPROVED IN ADVANCE BY
THE SECRETARY OF STATE OR DEPUTY SECRETARY.

¶2. (S/NF) THE EXCEPTION APPROVED BY THE DEPUTY SECRETARY ON
FEBRUARY 13, 2004 NOW PERMITS REGULAR MONITORING AND RECORDING
OF INTERVIEWS WITH FOREIGN NATIONALS AT "WALK-IN ROOMS"
AT OVERSEAS POSTS. THIS MODIFICATION ONLY APPLIES
TO RECORDING OF INTERVIEWS WITH FOREIGN NATIONALS
IN ACCORDANCE WITH THE PROVISOS LISTED IN PARA 7.

¶3. (S/NF) BACKGROUND: PEOPLE WHO VOLUNTARILY COME TO A
U.S. EMBASSY AND OFFER INFORMATION ARE COMMONLY
REFERRED TO UNDER THE GENERIC NAME OF WALK-INS. IN
MOST INSTANCES, DS AGENTS ASSIGNED TO THE REGIONAL
SECURITY OFFICE IS THE FIRST OFFICER TO CONDUCT AN INITIAL
INTERVIEW WITH THE WALK-IN (THIS MAY VARY IN ACCORDANCE TO
THE POST'S WALK-IN PLAN). IT IS THE FIRST-CONTACT OFFICER'S
RESPONSIBILITY TO BEGIN TO ESTABLISH THE SUBJECT'S BONA
FIDES AND REASON FOR VISITING THE POST. COORDINATION
IS THEN EFFECTED WITH OTHER APPROPRIATE
EMBASSY OFFICERS REGARDING ADDITIONAL QUESTIONING OR ANY
FUTURE HANDLING OF THE INDIVIDUAL. IN SOME CASES,
OTHER AGENCIES (E.G., DEA, FBI, RAO) MAY ALSO BE INVOLVED
IN SUBSEQUENT STAGES.

¶4. (S/NF) HISTORY HAS SHOWN THAT WALK-INS COME IN MANY SHAPES
AND SIZES. WHILE SOME RELAY INFORMATION THAT IS CORROBORATED
AS VALID, MANY OTHERS HAVE PROVEN TO BE MENTALLY DISTURBED
PERSONS, INTELLIGENCE VENDORS, FABRICATORS, AND PROVOCATEURS
FROM HOSTILE INTELLIGENCE SERVICES OR PERSONS WHO MAY HAVE
BEEN SENT TO GATHER INFORMATION ON BEHALF OF TERRORIST OR
NARCOTICS-TRAFFICKING ORGANIZATIONS.

¶5. (S/NF) ALMOST ALL EMBASSIES HAVE A ROOM DESIGNATED AS AN
INTERVIEW OR WALK-IN ROOM. THIS IS NORMALLY LOCATED BEHIND
THE INITIAL SCREENING POINT, BUT STILL OUTSIDE OF THE
EMBASSY HARDLINE. IN ACCORDANCE WITH THE NEW EXCEPTION,
POSTS MAY EQUIP THESE PERMANENT ROOMS WITH HIDDEN AUDIO
AND VISUAL MONITORING DEVICES TO MONITOR CONVERSATIONS

OCCURRING IN THE ROOM. SUCH MONITORING WILL ATTAIN TWO OBJECTIVES: A) ENHANCE THE SAFETY OF THE U.S. PERSONNEL CONDUCTING THE INTERVIEW IN THE EVENT THE SUBJECT BECOMES VIOLENT, AND B) PERMIT AN ACCURATE CAPTURING OF INFORMATION CONVEYED (MOST INTERVIEWS ARE CONDUCTED IN A FOREIGN LANGUAGE AND A TAPE CAN SUBSEQUENTLY PERMIT DETAILED REVIEW OF THE WORDS UTILIZED).

¶16. (S/NF) BECAUSE THE U.S. EMBASSY PERSONNEL INITIATE AND AGREE TO THE MONITORING ACTIVITY, THIS AMENDED PROCEDURE IS CONSIDERED CONSENSUAL MONITORING. CONSENSUAL MONITORING IS THE RECORDING OF CONVERSATIONS WHEN ONE PARTY TO THE CONVERSATION CONSENTS TO THE RECORDING AND IS A STANDARD LAW ENFORCEMENT TECHNIQUE THAT IS WIDELY USED IN FEDERAL LAW ENFORCEMENT. IT DOES NOT REQUIRE A COURT ORDER AND IS SPECIFICALLY PERMISSIBLE UNDER 18 USC 2511 (2)(C).

¶17. (S/NF) POSTS SHOULD CONVENE THEIR CIWGS TO DISCUSS SPECIFIC IMPLEMENTATION OF THE APPROVED EXCEPTION WITH THE FOLLOWING PROVISOS IN MIND:

A) THE MONITORING OF THESE INTERVIEWS WITHOUT THE KNOWLEDGE OF THE PARTY BEING INTERVIEWED MAY ONLY OCCUR WITH FOREIGN NATIONALS. CONVERSATIONS WITH U.S. CITIZENS AND LEGAL PERMANENT RESIDENTS (LPR) CONTINUE TO FALL UNDER THE VANCE MEMORANDUM GUIDELINES, AND IN SUCH CASES ALL PARTIES MUST CONSENT TO ANY RECORDING/MONITORING ACTIVITY. FOREIGN NATIONALS DO NOT/HAVE TO BE ADVISED THAT THE INTERVIEW IS BEING RECORDED OR MONITORED.

B) AS A MATTER OF ROUTINE, AN IDENTIFYING DOCUMENT SHOULD BE REQUESTED OF THE WALK-IN PRIOR TO THE COMMENCEMENT OF THE INTERVIEW. IN ADDITION TO COPYING THE DOCUMENT FOR PERMANENT RECORD, THIS WILL ALSO ASSIST IN DETERMINING IF THE PERSON IS A U.S. CITIZEN OR LPR.

C) THE MONITORING DEVICES DO NOT/HAVE TO BE VISIBLE. THEY MAY BE CONCEALED FROM THE PERSON BEING INTERVIEWED.

D) VIDEO DEVICES MAY BE PLACED SO THAT THE U.S. PERSONNEL CONDUCTING THE INTERVIEW ARE NOT NECESSARILY CAPTURED ON VIDEOTAPE.

E) THE MONITORING DEVICES MAY NOT BE AUTOMATIC. PRIOR TO THE COMMENCEMENT OF THE ACTUAL INTERVIEW, THE INTERVIEWING EMBASSY OFFICER MUST MAKE A DELIBERATE DECISION TO MONITOR/NOT MONITOR (TAKING INTO ACCOUNT THE GUIDANCE IN POINT B ABOVE). MOST POSTS WILL OPT TO HAVE THE ACTIVATION SWITCHES LOCATED AT MSG POST 1 OR ANOTHER CONVENIENT LOCATION. THE POST WALK-IN PLAN WILL ESTABLISH A MECHANISM FOR COMMUNICATING THE MONITOR/DON'T MONITOR DECISION TO MSG POST 1 OR WHEREVER THE ACTIVATION SWITCHES ARE LOCATED.

F) RECORDINGS/TAPES OF THE INTERVIEWS MAY BE DISSEMINATED TO THOSE AGENCIES AT POST WITH INTELLIGENCE, SECURITY AND LAW ENFORCEMENT FUNCTIONS CONNECTED TO THE MATTER DISCLOSED BY THE PERSON INTERVIEWED OR AS PER GUIDANCE ESTABLISHED BY THE CIWG.

G) THE REGIONAL SECURITY OFFICE WILL RETAIN COPIES OF ALL RECORDED/TAPED INTERVIEWS FOR A MINIMUM OF NINETY (90) DAYS. RECORDS OF SUBSEQUENT DESTRUCTION OR TRANSFER MUST BE RETAINED TO INCLUDE DATE OF INTERVIEW, NAME OF SUBJECT INTERVIEWED, BRIEF DESCRIPTION OF INFORMATION DIVULGED IN INTERVIEW, SUBSEQUENT REFERRAL OF INFORMATION AND DATE TAPES/RECORDINGS DESTROYED.

H) REPORTING OF THREAT INFORMATION WILL NOT BE AFFECTED BY THIS MODIFICATION. THREAT INFORMATION IS TO BE REPORTED AS OUTLINED IN 2001 STATE 114250. IN THE EVENT AN INTERVIEW RESULTS IN CREDIBLE THREAT INFORMATION BEING DIVULGED, RSO WILL ALSO FORWARD A COPY OF THE TAPE/RECORDING VIA CLASSIFIED POUCH TO DS/PII.

¶18. (U) DEPARTMENT NOTES THAT DUE TO RESOURCE CONSTRAINTS THESE ITEMS MUST BE EITHER POST FUNDED OR PROVIDED BY A PARTICIPATING AGENCY OF THE COUNTERINTELLIGENCE WORKING GROUP (CIWG).

¶19. (U) QUESTIONS REGARDING THIS POLICY SHOULD BE DIRECTED TO DIRECTOR, DS/DO/ICI, (571-345-2944, STU).
POWELL